

The complaint alleged further that the defendants were well aware that their activities were in violation of the Act in that on each of three inspections in a period of one month, the defendant, Robert R. Richardson, was warned that the quality of the milk was very poor and that a fieldman should be hired to work with the patrons to improve the quality of the milk; and he was advised that filtering and other manipulation of the milk during processing into cheese will likely continue to remove objective filth but that these processes would not effectively remove the soluble filth elements, such as insect body juices and fatty substances, introduced into the finished product by the use of grossly contaminated milk.

**DISPOSITION:** 1-5-61. A temporary restraining order was issued by the court enjoining the defendants from introducing into interstate commerce cheddar cheese which was adulterated as described in the complaint.

1-11-61. The defendants having consented, the court entered a decree of permanent injunction enjoining them against causing cheddar cheese or any similar article of food which is adulterated as alleged in the complaint, to be introduced and delivered for introduction into interstate commerce. The defendants were further enjoined from shipping cheddar cheese in interstate commerce until such measures are taken as will insure acceptance of clean milk, free of sediment and other foreign matter, and the rejection of other milk.

**27097. Grated cheese.** (F.D.C. No. 45055. S. No. 7-577 R.)

**QUANTITY:** 25 cases, 24 5-oz. jars each, at Boston, Mass., in possession of John Zedros, Inc.

**SHIPPED:** 9-4-60, from Hinesburg, Vt., by Brunetto Economou Cheese Corp.

**LABEL IN PART:** (Jar) "Alma Brand Italian Style Grated Cheese Made from partially skimmed milk. A skillfully blended mixture of domestic and Italian imported cheese \* \* \* Packed by John Zedros, Inc., Boston, Mass."

**RESULTS OF INVESTIGATION:** Examination showed that the article failed to meet the definition and standard for hard grating cheeses in that it contained more than 34 percent of moisture, and its solids contained less than 32 percent of milk fat. The article was shipped unlabeled and subsequently labeled by the dealer as described above.

**LIBELED:** 10-21-60, Dist. Mass.,

**CHARGE:** 402(b)(1)—when shipped, the valuable constituent, milk fat, had been in part omitted or abstracted from the article; 403(a)—while held for sale, the label statements "Italian Style Grated Cheese" and "A skillfully blended mixture of domestic and imported cheese" were false and misleading as applied to a product containing more than 34 percent of moisture, and less than 32 percent of milk fat; 403(f)—while held for sale, the name and address of the manufacturer and the quantity of contents statement were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling), as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 403(g)(1)—when shipped, the article failed to conform to the definition and standard of identity for grated hard grating cheese.

**DISPOSITION:** 11-29-60. Default—delivered to a public institution.